

Appl. No. 09/412,792  
Response Dated April 25, 2006  
Reply to Office Action of January 25, 2006

REMARKS

Claims 1, 3-14, and 18-30 are pending in this application. Favorable reconsideration and allowance of the pending claims are respectfully requested

Claim Rejections

Claims 1, 3-7, 9-14, 18-20, and 22-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,684,399 to Grooters (“Grooters”). Claims 21 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grooters. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Grooters, as applied to claim 1, in view of the Advanced Television Enhancement Forum Specification (“ATVEF”). Applicant traverses the rejections.

Applicant respectfully submits a declaration under 37 C.F.R. §1.131 by the inventor showing proof of conception and diligence to filing from a date before September 17, 1999, the priority date of Grooters. Accordingly, Grooters is not available as prior art, and a rejection based on Grooters is improper.

In view of the above, Applicant respectfully requests reconsideration and removal of the § 102(e) rejection of claims 1, 3-7, 9-14, 18-20, and 22-29; the § 103(a) rejection of claims 21 and 30; and the § 103(a) rejection of claim 8.

It is believed that claims 1, 3-14, and 18-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

Dated: April 25, 2006

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April 25, 2006  
Date of Deposit

Deborah L. Higham  
Name of Person Mailing Correspondence

Deborah L. Higham — 4/25/06  
Signature Date